HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO.25113 OF 1995

DATE: 29th SEPTEMBER 2006

Between:
Akula Lakshmaiah, son of Akula Nagaiah,
Resident of H.No.6/109, Raju Colony,
Balanagar, Hyderabad.

... Petitioner.

And

1. Additional Industrial Tribunal-cum-Additional Labour Court, Hyderabad, rep. by its Presiding Officer and another.

... Respondents.

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ORDER:

The petitioner in this writ petition questioned the Award of the first respondent in I.D.No.28 of 1993, wherein it was held that the management of the second respondent is justified in removing the petitioner from service on the ground of impersonation.

2. The petitioner was initially appointed as Scavenger in 1968 and later he was promoted as Helper. On receipt of complaint on 15.01.1986 from one M. Venkata Reddy of Arlapadia village, Udayagiri, Nellore District, that the petitioner's name is Noogula Ankaiah being the son of Mallaiah, but the petitioner secured appointment as Akula Lakshmaiah, son of Nagaiah, a departmental enquiry was ordered. It was further stated in the complaint that the said Akula Lakshmaiah secured a job in the second respondent

company as well as in the Railway Department at Pune. The petitioner joined the respondent representing himself as Akula Lakshmaiah while the real Akula Lakshmaiah joined as Sweeper in the Railway Department at Pune. In the departmental enquiry the petitioner was given opportunity to defend himself against two charges made against him pertaining to his securing employment by impersonating himself as Akula Lakshmaiah constituting misconduct as per Clause 26 (2) (4) (31) and (33) of the Company's Standing Orders. The enquiry officer found the petitioner guilty of the two charges framed against him on the basis of which the Deputy General Manager of the second respondent dismissed the petitioner from service by Ex.W-1 order dated 20th May 1992.

3. Questioning the said order of dismissal, the petitioner approached the first respondent by way of I.D.No.28 of 1993. The first respondent, after a detailed consideration of the contentions raised on behalf of the parties and the evidence on record, agreed with the findings of the enquiry officer and held that the dismissal of the petitioner was justified and the material on record supports the findings of the enquiry officer that the petitioner impersonated Akula Lakshmaiah.

4. There is no representation on behalf of the petitioner. However, after going through the entire material on record including the reasons given by the first respondent, I am satisfied that the order of the first respondent does not suffer from any illegality. It is trite that in the disciplinary matters the scope of

interference with the orders of the disciplinary authorities is very limited and they are confined only to decision making process, and not merits of the decision. Only in cases where the complaints pertain to violation of principles of natural justice or non-adherence to the procedure or in cases of findings based on no evidence at all, Courts interfere. The instant case is not one such case, which falls in any of these categories. The petitioner's case having received due consideration by the first respondent Tribunal, I do not see any error of law or jurisdiction in the orders passed by the respondents 1 and 2.

5. In the above circumstances, there are no merits in the writ petition and accordingly the writ petition is dismissed, but without costs.

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C.V.NAGARJUNA REDDY, J.

Date: 29th September 2006.
BSB